

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

A meeting of the Georgia Board of Chiropractic was held on Thursday, February 16, 2006, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:	Others Present:
James Anchors D. C., President Karen Mathiak, D. C. Jackson C. Patterson, D. C. Patrick J. Sallarulo, D. C. David A. Wren, D. C.	Ajay Gohil, Board Attorney Anita O. Martin, Executive Director Eva Holmes, Board Secretary Warren Jahn, CFS/ABPF/ACO Jim Gaudet, D.C. Joe Cregan, ACN Attorney Tony Roehl, CAN Attorney

James Anchors established that a quorum was present and the **Public Hearing** was called to order at 10:00 a.m. for Board Rule 100-4-.01. Dr. Warren Jahn gave verbal comments/concerns regarding the rule. The Public Hearing was adjourned at 10:05am.

James Anchors established that a quorum was present and the meeting was **called to order** at 10:15 a.m.

Consideration of Board Rule 100-4-.01 for adoption. – Dr. Wren motioned, Dr. Patterson seconded and the Board voted to adopt.

100-4-.01 Advertising. Amended.

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession.

Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications by one or more of the following boards:

(i) Diplomate American Chiropractic Board of Radiology

(DACBR);

(ii) Diplomate American Chiropractic Rehabilitation Board

(DACRB);

(iii) Diplomate American Chiropractic Board of Nutrition

(DACBN);

(iv) Diplomate American Board of Chiropractic Internists

(DABCI);

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

- (v) Certification Chiropractic Sports Physicians (CCSP);
- (vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);
- (vii) Diplomate American Board of Forensic Professionals (DABFP);
- (viii) Diplomate American Chiropractic Academy of Neurology (DACAN);
- (ix) Certification American Chiropractic Board of Thermologists (CACBT)
- (x) Diplomate American Board of Chiropractic Neurology (DABCN)
- (xi) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);
- (xii) Diplomate American Chiropractic Board of Occupational Health (DACBOH);
- (xiii) Diplomate American Chiropractic Neurology Board (DACNB);
- (c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;
- (d) Advertising that contains any guarantee of the results of any services;
- (e) Advertising of services that the licensee is not licensed to perform in this state;
- (f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;
- (g) Advertising a transaction that is in itself illegal;
- (3) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.
- (4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:
 - (i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE**. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01
 - (h)(i) which requires that such records be retained for not less than seven (7) years from the date of service.
 - (ii) If a charge is made for any service rendered on the same day that an advertised free or discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of services.
 - (iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.
- (5) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

OCGA §§ 43-9-12 and 43-1-25.

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic.

Correspondence from Dr. John Reeder in reference to PT practice and Chiropractic overlap. – Board response: Notify Dr. Reeder that this information was viewed as informational.

Correspondence from Dr. Robert Ressmeyer in reference to Advertising Compliance/Patient Confidentiality. – Board response: Dr. Sallarulo motioned, Dr. Patterson seconded and the Board voted to notify Advanced Wellness that they must have a release from patients before names are used in advertising. Also notify Dr. Ressmeyer that the Board did not find any violations regarding this issue.

Correspondence from Dr. James Quintas requesting termination of probation. – Dr. Sallarulo motioned, Dr. Patterson seconded and the Board voted to approve.

Correspondence from Nicole Lundberg regarding the use of EMG. – Dr. Mathiak motioned, Dr. Wren seconded and The Board voted to send “no legal letter” and refer to Georgia law O.C.G.A. § 43-9-.16.

Request from Dr. Michael Hartpence to terminate probation. – Dr. Patterson motioned, Dr. Wren seconded and the Board voted to approve.

Request from Dr. John Thomas to terminate probation. – Ms. Pearce motioned, Dr. Wren seconded and the Board voted to approve.

Request for Board approval for CE Application and Approval form from Western States Chiropractic College. – Dr. Sallarulo motioned, Dr. Mathiak seconded and the Board voted to approve.

Correspondence from Douglas Giles regarding the possibility of HIPAA violation. – Board response: Dr Patterson motioned, Dr. Sallarulo seconded and the Board voted to notify Dr. Giles that this issue is not within the Board's legal jurisdiction – recommend that he seek legal counsel.

Correspondence from American Medical Security re: Billing of Evaluation Management Codes – Board response: Dr. Mathiak motioned, Dr. Wren seconded and the Board voted to send the “no legal letter”.

Correspondence from Alan Crumpler re: ASHH. – Board response: Notify Dr. Crumpler that this issue is under review by the Board.

Correspondence from U.S. Dept of Justice re: non payment of federal educational loan for Steven A. Sheick. – The Board voted to suspend. Dr. MathiakI motioned, Dr. Sallarulo seconded and the board voted to suspend Steven Sheick's license to practice as a/an Chiropractor, CHIR002660 effective 30 days from the date of the First Notice Letter of Suspension for nonpayment status or default or breach or repayment or service obligation for his/her federal educational loan, service conditional loan repayment program, or service

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

conditional scholarship program. I further move that such suspension shall be STAYED pending an appearance before the board if a request for an appearance is timely received and that this suspension shall be lifted upon receipt of a written request from the licensee and a copy of the release from the federal agency that CHIR002660 is making payments on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency, or is not the person at issue.

Considered the following rules for posting. – Dr. Sallarulo motioned, Dr. Patterson seconded and the Board voted to post the following rules:

100-1-.01 Organization of Board.

The Georgia ~~State~~ Board of Chiropractic Examiners shall be composed of five practicing chiropractors, appointed by the Governor. The Board shall elect annually, a president and vice-president. Meetings of the Board are held at the ~~Capitol of the State in the first week of April and October of each year~~ Offices of the Secretary of State's Professional Licensing Boards Division. The public may obtain information or make submissions and requests ~~at the office of the Joint Secretary, State Examining Boards to the board through this office.~~

O.C.G.A. §§ 43-9-6.1(a) and (2), 43-9-12, and 43-1-25

100-1-.02 Rules of Procedure.

All proceedings of the Board ~~shall~~ may be governed by Robert's Rules of Order.

O.C..G.A. §§ 43-9-6.1(a) and (2), 43-9-12, and 43-1-25.

100-2-.02 License Renewal

(1) Every person who holds a valid license as a chiropractor ~~issued by the board~~ shall immediately upon issuance thereof be deemed registered licensed by with the Board, ~~and be issued a certificate of registration~~. Said license shall expire on December 31 of the even numbered years and shall be renewable biennially in accordance with the Official Code of Georgia Annotated (Section 43-9-11). Any licensee whose business address changes must notify the Board in writing within fifteen days of that change of address. ~~Rule 100-2-.03~~

(2) Applications for renewal received in the Board office within ninety (90) days after the renewal deadline shall be considered "late renewals" and shall be renewed upon the applicant's payment of the current renewal fee, his/her submission of the required continuing education hours, and the payment of the applicable penalty fee as ~~listed in Rule 100-11-.01~~ determined by the board.

(3) The ~~Joint Secretary~~ Division Director shall notify all expired licensees on April 1 following the deadline for renewal of the fact that they are practicing chiropractic in violation of the Georgia Chiropractic Practice Act.

(4) A list of all expired licensees shall be made public on or after April 1.

O.C.G.A. §§43-9-6.1(1) and (2), and 43-9-11

GEORGIA BOARD OF CHIROPRACTIC
Board Meeting
February 16, 2006

100-2-.03 Change of Address.

Each licensed chiropractor shall file his/her business address with the ~~Joint Secretary Board~~ and notify ~~him~~ the same in writing of any changes of address within fifteen days of such change.
O.C.G.A. §§ 43-9-6.1(1) and (2), and 43-9-11.

100-2-.08 Inactive License.

(1) A Doctor of Chiropractic who holds a valid license to practice Chiropractic in the State of Georgia may request the license be placed on inactive status under the following provisions:

(a) Notifies the Board, in writing, that he or she chooses to retire from active practice of the profession. Said license shall be considered inactive.

(b) Shall not engage in the practice of Chiropractic and shall not hold themselves out to the public as being available to provide chiropractic services.

(c) Shall not be required to obtain the necessary continuing education credits.

(d) Shall not be assessed a renewal fee for the period that the license is inactive.

(2) The practice of chiropractic with an inactive license shall be considered unlicensed practice and is subject to disciplinary action.

(3) Should a Doctor of Chiropractic holding an inactive license choose to return to active practice, the following requirements must be met:

(a) Submit evidence of attendance at ~~20~~ forty (40) hours of Board approved continuing education ~~for each year or portion thereof during which his/her license has been inactive. In no event will the required number of hours exceed 100 that must be completed prior to reactivation of the license within the last two (2) years.~~

(b) Provide evidence that licensee is in good standing in all jurisdictions in which he or she has ever been licensed.

(c) ~~An administrative fee of \$250 in addition to the applicable renewal fee for the period during which the license was inactive must be paid. A reactivation fee as established by the board must be submitted with the application for reactivation.~~

(4) After 5 years of continuous inactive status, the Board may, at its discretion require successful completion of the Special Purposes Examination for Chiropractic (SPEC).

O.C.G.A. §§ 43-9-6.1(1) and (2), and 43-1-22.

100-5-.02 Approval of Educational Programs. Amended.

~~Effective January 1, 1999:~~

(1) A chiropractor must obtain a minimum of twenty (20) hours of continuing education per annum. Of these twenty hours, fifteen (15) must be in chiropractic clinical science, four (4) hours must be in medical record-keeping, ethics or risk management, and one (1) hour must be in

jurisprudence (NOTE: non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules).

(a) Approved areas of study to satisfy the fifteen (15) hours in chiropractic clinical science are:

1. Examination Procedures/Diagnoses

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

2. Adjustive Technique
 3. Radiographic Technique/Safety
 4. Diagnostic Imaging Interpretation
 5. Nutrition
 6. Research Trends
 7. Physiological Therapeutics
 8. Chiropractic Philosophy; a maximum of 3 hours credit in chiropractic philosophy will be considered by the Board for continuing education approval.
- (b) Approved areas of study to satisfy the four (4) hours in ethics or risk management are:
1. Risk Management
 2. Chiropractic Medical/Legal
 3. Public Health Issues
 4. Professional Conduct/Boundaries Issues
 5. Scope of Practice.
 6. Medical record-keeping which may include:
 - (i) Insurance Billing.
 - (ii) Reporting.
 - (iii) Coding & Procedures.
- (c) Approved areas of study to satisfy the one
- (1) hour in jurisprudence are: 1. Georgia Chiropractic Laws and Rules
 2. Non-resident chiropractors, licensed but not practicing in Georgia, may take an additional hour of continuing education in the chiropractic clinical sciences or risk management in lieu of the required hour in Georgia Laws and Rules.
- (d) Courses specifically excluded from continuing education approval include, ~~but are not limited to~~ the following:
1. ~~Insurance Billing, Reporting, Coding and Procedures~~ Practice Management or Practice Building.
 2. ~~Practice Management or Practice Building.~~
- (2) The following organizations have been approved by the Board to conduct, sponsor, or co-sponsor continuing education coursework that is consistent with the chiropractic scope of practice in the State of Georgia and that is approved for continuing education per Rule 100-5-.02(1)(a), (b), and (c):
- (a) Chiropractic Associations in this State; or
 - (b) Chiropractic schools or colleges approved by the Council on Chiropractic Education (CCE) or a Board approved successor, and the Board as approved in Rule 100-12-.01-~~or~~
 - (c) Federation of Chiropractic Licensing Boards Approved Continuing Education (PACE.)
- (3) Courses must be those in which actual attendance by the licensee shall be required. However, distance based learning courses offered via audio/visual electronic media, such as the internet, may be approved by the Board if the course meets the following criteria:
- (a) The course must meet all of the requirements as cited in this Rule.
 - (b) The program must be test and time monitored to insure active participation by the licensee.

Authority O.C.G.A. §§ 43-9-6.1(1) and (2) and 43-9-11.

The Board voted that the formulation and adoption of these rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic Examiners.

Review and consider Medical Board Rule 360-2-.07 – Board response: Executive Director will incorporate some information into Board rule 100-2-.09 and submit at next meeting for consideration.

Minutes from the November 10, 2005 meeting: Dr. Patterson made a motion, and Dr. Mathiak seconded and the Board voted to **approve** the minutes as amended.

Minutes from the January 24, 2006 conference call meeting. Dr. Wren made a motion, and Dr. Mathiak seconded and the Board voted to **approve** the minutes.

Request for examiners for the NBCE. – Dr. Sallarulo will attend the Spring exam. Any other board member interested will contact the Executive Director.

Request from J.R. Brandt, D.C. to add Orthopedic Diplomate designation to Board rule 100-4-.01 – Dr. Wren motioned, Dr. Patterson seconded and the Board voted to post.

100-4-.01 Advertising. Amended.

(1) Defined. Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or the chiropractic profession. Advertising shall include but not be limited to any communication which is published, displayed, printed, broadcast, or spoken including the use of newspapers and other publications, telephone directories, pamphlets, handouts, billboards, window displays, radio, television, telephone, computer, internet, fax or other telecommunication device or any other means or medium.

(2) A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising which has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including but not limited to the following:

(a) Advertising which contains a misrepresentation of any fact or facts including advertising which has the capacity or tendency to mislead, deceive, or confuse any potential recipient either through false or misleading claims or by failing to disclose relevant or material facts;

(b) Advertising which conveys the impression of professional superiority or other superior attributes that cannot be substantiated. Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications by one or more of the following boards:

(i) Diplomate American Chiropractic Board of Radiology (DACBR);

(ii) Diplomate American Chiropractic Rehabilitation Board

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

- (DACRB);
(iii) Diplomate American Chiropractic Board of Nutrition (DACBN);
(iv) Diplomate American Board of Chiropractic Internists (DABCI);
(v) Certification Chiropractic Sports Physicians (CCSP);
(vi) Diplomate American Board of Chiropractic Orthopedics (DABCO);
(vii) ~~Diplomate American Chiropractic Academy of Neurology (DACAN)~~ Diplomate American Board of Forensic Professionals (DABFP);
(viii) ~~Certification American Chiropractic Board of Thermologists (CACBT)~~ Diplomate American Chiropractic Academy of Neurology (DACAN);
(ix) ~~Diplomate American Board of Chiropractic Neurology (DABCN)~~ Certification American Chiropractic Board of Thermologists (CACBT)
(x) ~~Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~ Diplomate American Board of Chiropractic Neurology (DABCN)
(xi) ~~Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~ Diplomate American Chiropractic Board of Sports Physicians (DACBSP);
(xii) ~~Diplomate American Chiropractic Neurology Board (DACNB);~~ Diplomate American Chiropractic Board of Occupational Health (DACBOH);
(xiii) Diplomate American Chiropractic Neurology Board (DACNB);
(c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;
(d) Advertising that contains any guarantee of the results of any services;
(e) Advertising of services that the licensee is not licensed to perform in this state;
(f) Advertising, including that place in a classified or telephone directory, under a heading which may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed;
(g) Advertising a transaction that is in itself illegal;
(3) Chiropractors licensed under this chapter may only use the terms chiropractor, chiropractors, doctors(s) of chiropractic, and/or D.C. The use of the term Chiropractic Physicians is not authorized.
(4) Licensees may advertise that they will perform designated chiropractic services free or at a discount if, in fact, no compensation in any form for such services will be requested from the patient, their insurer, or any third party subject to the following provisions:
(i) A detailed account of the advertised services being offered free or at a discount must be presented in writing to, and signed by, the patient, clearly explaining that **ANY FURTHER TREATMENT WILL BE PROVIDED AT RATES REGULARLY CHARGED BY THIS OFFICE**. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01 (h)(i) which requires that such records be retained for not less than seven (7) years from the date of service.
(ii) If a charge is made for any service rendered on the same day that an advertised free or

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

discounted service is rendered, a detail account of those services offered for a fee must be provided in writing to, and signed by the patient, clearly explaining that these treatments are not a part of any offer of free or discounted services. A copy of this document must be given to the patient and the original must be maintained in the patient record in keeping with Rule 100-10-.01(h)(i) which requires that such records be retained for not less than seven (7) years from the date of services.

(iii) For the purpose of this Section, no separate charge shall be made for the professional evaluation of diagnostic tests or procedures which are provided without cost or at a discount whether such professional evaluation is made at the time of the initial office visit or at a later date.

(5) Nothing in this Section shall be so interpreted as to interfere with or prohibit fee discounts or offers of discounted fees in connection with any managed care plan, group plan, Medicare, or similar entity.

O.C.G.A. §§.43-9-6.1(1) and (2) and 43-9-12

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Chiropractic Examiners.

Request for information from Ashley Cooper regarding Board Rule 100-7-.03. –Board response: Dr. Sallarulo motioned, Dr. Patterson seconded and the Board voted to send a “no legal letter”.

Review information concerning the FCLB Annual Conference. – Dr. Patterson motioned, Dr. Wren seconded and the Board voted that Dr. Anchors will be the Delegate and Dr. Mathiak will be the alternate for both the FCLB and the NBCE.

Considered to ratify list of administratively issue licenses. Dr. Mathiak motioned, Dr. Patterson seconded and the Board voted to Approve.

32 Chiropractors

License#	Name	Profession	Status	Issue Date
CHIR007973	Sinclair, Jr., Steve M.	Chiropractor	Active	1/31/2006
CHIR007974	Weeden, Dennitra Genay	Chiropractor	Active	2/3/2006
CHIR007975	Dadas, Evan John	Chiropractor	Active	2/7/2006
CHIR007976	Daley, Michael Patrick	Chiropractor	Active	2/7/2006
CHIR007977	Suynov, Mazal Jennifer	Chiropractor	Active	2/8/2006
CHIR007978	Lupo, Tarrin Patrick	Chiropractor	Active	2/9/2006
CHIR007979	Evans, Troy DeVon	Chiropractor	Active	2/13/2006
CHIR007980	McCollum, Shanna Ahishi	Chiropractor	Active	2/14/2006
CHIR007981	Tucker, Stephanie Lynn	Chiropractor	Active	2/14/2006

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

CHIR007982	Black, Tina Roxanne	Chiropractor	Active	2/17/2006
CHIR007983	Jones, Corron Jermell	Chiropractor	Active	2/17/2006
CHIR007984	Bass, Richard W	Chiropractor	Active	2/17/2006
CHIR007985	Newman, Jason Lee	Chiropractor	Active	2/17/2006
CHIR007986	Portillo, Robert A.	Chiropractor	Active	2/21/2006
CHIR007987	Powell, Kerith H	Chiropractor	Active	2/21/2006
CHIR007988	Ohazuruike, Ogechi Guinness	Chiropractor	Active	2/22/2006
CHIR007989	Lampa, Marc F.	Chiropractor	Active	2/23/2006
CHIR007990	Barbary, Nicole Melody	Chiropractor	Active	2/28/2006
CHIR007991	Titus, Todd M.	Chiropractor	Active	2/28/2006
CHIR007992	Chang, Seong Kil	Chiropractor	Active	3/1/2006
CHIR007993	Casanova, Brett L.	Chiropractor	Active	3/7/2006
CHIR007994	Haight, Michael David	Chiropractor	Active	3/8/2006
CHIR007995	Wong, Alwyn Patrick	Chiropractor	Active	3/8/2006
CHIR007996	Kilgore, Kenneth W.	Chiropractor	Active	3/13/2006
CHIR007997	Winters, Margaret	Chiropractor	Active	3/20/2006
CHIR007998	Lamantia, Marc John	Chiropractor	Active	3/21/2006
CHIR007999	Hamilton, Loethia	Chiropractor	Active	3/24/2006
CHIR008000	Coleman, Zeudiann Latoya	Chiropractor	Active	3/24/2006
CHIR008001	Futral, David Charles	Chiropractor	Active	3/28/2006
CHIR008002	Cefalu, Andrew Joseph	Chiropractor	Active	4/3/2006
CHIR008003	Peyroux, David M	Chiropractor	Active	4/3/2006

Correspondence regarding tests that are permitted in the scope of practice. – Board response: Dr. Wren motioned, Dr. Patterson seconded and the Board voted to send a “no legal letter”.

Correspondence from NBCE regarding computerized post-licensure exams. – Viewed as informational.

Correspondence from U.S. Dept of Justice re: non payment of federal educational for Paul F. Penn, Jr. – Dr. Wren motioned, Dr. Sallarulo seconded and the Board voted to suspend Paul F. Penn, Jr.’s license to practice as a/an Chiropractor, CHIR002655 effective 30 days from the date of the First Notice Letter of Suspension for nonpayment status or default or breach or repayment or service obligation for his/her federal educational loan, service conditional loan repayment program, or service conditional scholarship program. I further move that such suspension shall be STAYED pending an appearance before the board if a request for an appearance is timely received and that this suspension shall be lifted upon receipt of a written request from the licensee and a copy of the release from the federal agency that CHIR02655 is making payments on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency, or is not the person at issue.

Correspondence from Craig Castanet regarding CPT codes for billing purposes. – Tabled for additional review.

Correspondence from John Wagner requesting his records are expunged. – Ms. Pearce motioned, Dr. Mathiak seconded and the Board voted to approve.

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

Correspondence from David Witnitzer requesting to terminate probation. – Dr. Sallarulo motioned, Dr. Wren seconded and the Board voted to approve.

Petition for variance or waiver from Richard Skyler– Board response: Petition tabled and referred to Ajay Gohil for advice.

Petition for waiver from Kevin Harwood – Board response: **Petition tabled.** Board requested that Dr. Harwood be notified that Board will consider the request upon receipt from a Neurologist or Orthopedist knowledgeable about physical condition that he is safe to practice with reasonable skill and safety to the public.

Appointments with Board

- **Dr. James Gaudet re: regarding manipulation under anesthesia** – Board response: Notify Dr. Gaudet that the Board is taking the matter under advisement. The issue is being referred to the Board's attorney requesting advice as to whether or not this practice falls within the scope of practice. If it does, the Board will consider developing a rule. Also, Executive Director will request a FCLB Power Poll. Request from **Dr. Gaudet re: CPT code 97530** – Board requested that a copy of the billing codes statement from the web-site be sent.
- ACN Group – Matter still under review.

Executive Director's Report – Ms. Anita Martin

- Presented request from Marie Sorocco to expunge consent order. - Dr. Wren motioned, Dr. Sallarulo seconded and the Board voted to deny.
- The Board will consider a work day to review rules and finalize some outstanding complaints.
- Board will issue a strong letter of concern to the D.C.'s listed on the VOM web-site concerning Georgia law prohibits a licensed DC from adjusting animals.
- Board decided to audit 5% of all licensees and all on consent orders for the last 2 years during the 2006 renewal cycle.

Dr. Patterson made a motion, Dr. Wren seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h)(2) and § 43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Pearce, Dr. Mathiak, and Dr. Sallarulo. The Board concluded Executive Session in order to vote on the matters and to continue with the public session.

Investigative Interviews

- Dr. Wren with Dr. L.U. – Recommend approval of a Voluntary Surrender for 5 year duration of the criminal probation
- Dr. Mathiak with Dr. W.K.C. – Dr. C. is to submit the patient records within 10 days. Upon receipt, send to Dr. Mathiak.

Appeals Appointments

- **G.B. – Reinstatement appeal appointment** – Board will reconsider reinstatement once the matter with the Florida Chiropractic Board has been resolved.
- **E.S. – Reinstatement appeal appointment** – Board will reconsider reinstatement once the SPEC exam offered by the NBCE has been completed.
- **K.M.A. – Application denial appointment** – Dr. Sallarulo motioned, Ms. Pearce seconded and the Board voted to recommend approval under public consent order requiring: 3 years probation, Enroll and stay in an aftercare program for drug

GEORGIA BOARD OF CHIROPRACTIC

Board Meeting
February 16, 2006

dependency for the duration of the probation, submit to drug screens one time per month to be conducted by aftercare program and at his expense, submit quarterly reports from treatment team, provide copy of consent order to employer, take and pass the SPEC exam (through the NBCE) within nine months of the docket date of the order.

Applications

- **N.D. – Applicant requesting approval for reinstatement of licensure** – The Board recommended to deny.
- **K.L.D. – Applicant requesting approval for reinstatement of licensure** – The Board recommended to approve under public consent order.
- **S.N.T. – Applicant requesting approval for licensure** – The Board recommended to deny.
- **M.F.L. – Applicant requesting approval for reinstatement of licensure** – The Board recommended to approve upon receipt of documentation of successful completion of the SPEC exam
- **C.J.J. – Applicant requesting approval for licensure** – The Board recommended to approve.
- **K.H.P. – Chiropractic applicant requesting approval for licensure upon clean IL verification** – The Board recommended to approve.
- **R.W.B. – Chiropractic applicant requesting approval for licensure.** – The Board recommended to approve.
- **J.S.C. – Chiropractic applicant requesting approval for licensure.** – The Board recommended to deny.
- **Y.S.J. – Chiropractic applicant requesting approval for licensure.** Some undergrad hours obtained from a non-accredited college. – The Board recommended to deny.
- **D.W.H. – Chiropractic applicant requesting approval for licensure.** – The Board recommended to deny.
- **J.L.N. – Chiropractic applicant requesting approval for licensure.** – The Board recommended to approve.

Complaints and Disciplinary

CHIRO040025	Close
CHIRO060041	Close
CHIRO060019	Close
CHIRO060018	Close
CHIRO050085	Close

Accept consent order on Elliot D. Becker, D.C.

Accept consent order on Francisco M. Pastor, D.C.

Ms. Pearce made a motion and Dr. Mathiak seconded and the Board voted to **approve** the recommendations made in Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 6:35 pm on February 16, 2006.

Minutes prepared by: Eva Holmes, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director